

MEMORANDUM

July 25, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: EDITH NETTER, ASSISTANT DIRECTOR, LAND USE POLICY
MARC WEBB, ASSISTANT DIRECTOR, PLANNING & ZONING
LINDA BOURQUE, DIRECTOR FOR PLANNING
MARC OLDER, HARBORPARK COORDINATOR

SUBJECT: AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO CREATE A PORT NORFOLK INTERIM PLANNING
OVERLAY DISTRICT FOR A PERIOD OF FIFTEEN MONTHS
AS AN AMENDMENT TO THE BOSTON ZONING CODE

Port Norfolk is a small cohesive residential community located on a peninsula at the confluence of the Neponset River and Dorchester Bay. Port Norfolk's population is small, approximately 1,000, most of whom are long term residents. The housing stock is predominately single family, much of it dating from the nineteenth century.

While residential uses comprise approximately half of Port Norfolk's land area, its shoreline is largely industrial in nature and is currently zoned W-2 and M-2, creating conflict between residential and industrial activities.

In recent years the residents of Port Norfolk have voiced concerns on a number of development-related issues including: (1) the need for revising waterfront industrial zoning; (2) the need to eliminate some non water-related industrial uses which are detrimental to the neighborhood; (3) the reduction of truck traffic and noise; (4) the preservation of the existing stock of moderately priced housing; and (5) expanding opportunities for public access and use of the shoreline.

Recently, new large scale residential development proposals have been presented which would transform the shoreline from industrial to higher density residential usage. These development proposals have generated new concerns including the adequacy of the existing street network and sewer service to accommodate the proposed new uses.

In response to these concerns, the BRA has drafted an Interim Planning Overlay District for Port Norfolk as an amendment to the Boston Zoning Code. The Interim Zoning Overlay would be in effect for a period of fifteen months during which time a Port Norfolk Planning Advisory will be established and a planning study undertaken to determine appropriate uses and new zoning for the area.

The establishment of the Interim Planning Overlay District would, until rezoning of the area is complete, prevent such inappropriate development by ensuring that the proposed uses:

- 1) are compatible with the existing residential uses in the area;
- 2) do not generate heavy truck traffic on adjacent residential streets;
- 3) are not potentially hazardous, dangerous, noxious, and/or environmentally degrading;
- 4) promote physical and visual public access to the waterfront;
- 5) provide opportunities for water-based recreation and increased open space; and
- 6) promote water-dependent, water-related, and water-enhanced activities

The above-stated planning goals for the proposed uses in the Interim Planning Overlay District would be achieved through the additional requirement of an Interim Planning Permit for all applicants of a building/change of use/change of occupancy permit. Such a permit would be issued subsequent to BRA and the Zoning Board of Appeal.

To date, the BRA Harborpark staff have attended three meetings with the Port Norfolk community during which the proposed interim zoning was presented and discussed. At the last meeting, held on July 17, the interim zoning proposed received unanimous support from the nearly ninety residents in attendance. Also attending the meeting and expressing support for the interim zoning were three members of the Harborpark Advisory Committee and State Auditor John Finnegan.

The draft overlay zone was presented to the Harborpark Advisory Committee at its June 25th meeting and the staff was encouraged to proceed as rapidly as possible.

We therefore recommend that the Authority support the attached zoning amendments and authorize the Director to petition the Zoning Commission to enact these amendments.

Appropriate vote follows:

VOTED: That Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt text and map amendments in substantial accord with the amendments submitted to the Authority on July 25, 1985 which would establish a Port Norfolk Interim Planning Overlay District designation in the Zoning Code and that would allow for the mapping of said district.

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 656 of the Acts of 1956, as amended, by inserting after Article 27, for a period of fifteen months from the effective date of this amendment, the following Article:

ARTICLE 27A
SUPPLEMENTARY RULES AND REGULATIONS
FOR
PORT NORFOLK INTERIM PLANNING OVERLAY DISTRICT

SECTION 27A-1: Physical Boundaries. The Port Norfolk Interim Planning Overlay District ("Overlay District") includes:

So much of the present W-2 and M-1 zoning districts in the Dorchester section of Boston as are bounded southerly by the Neponset Avenue Bridge and Neponset Avenue, westerly by the Southeast Expressway, northerly by a line drawn from the intersection of Conley Street and the Southeast Expressway extending northeasterly forty-five degrees to the Boston-Quincy municipal boundary line, and easterly by the Boston-Quincy municipal boundary line ("Study Area").

SECTION 27A-2: Characteristics Of The District That Suggest That The Underlying Zoning May Not Be Appropriate.

The existing zoning, W-2 and M-1, may not be appropriate in that:

- a. Many former waterfront facilities are no longer being utilized by their owners;
- b. This neglect has resulted in the deterioration of the Port Norfolk waterfront, creating a degraded and blighted environment;
- c. Fundamental changes in the locational requirements of water-dependent industries make Port Norfolk an unlikely site for redevelopment of such uses; and
- d. The lack of major thoroughfares forces heavy trucks serving the W-2 and M-1 areas to use narrow residential streets, thereby creating dangerous conditions.

SECTION 27A-3: Time Period. This Overlay District will be in effect for fifteen months from the effective date of this amendment (unless otherwise extended pursuant to SECTION 27-2(5) of the Boston Zoning Code) or until the effective date of any changes in the Underlying Zoning adopted pursuant to the process outlined in Section 27A-5, whichever occurs first. At the end of said period the Overlay District shall automatically terminate.

SECTION 27A-4: Underlying Zoning. "Underlying Zoning" shall mean the zoning district or districts as shown on the series of maps entitled "Zoning Districts City of Boston" on file in the office of the City Clerk, which applied to the Study Area before the establishment of the Overlay District and which remain in effect subsequent to the establishment of the Overlay District.

SECTION 27A-5: Timetable for Conducting and Completing Comprehensive Planning Study and Petitioning for any Rezoning.

- a. Establishment of a Port Norfolk Planning Advisory Committee: one month from the establishment of the Overlay District.
- b. Inventory land uses within the Study Area: three months from the establishment of the Overlay District.
- c. Completion of a comprehensive planning study of the Study Area: ten months from the establishment of the overlay district.
- d. Submission of a comprehensive planning study report, including any recommendations for new zoning designations, densities, heights, new zoning district types, and permitted uses to the Port Norfolk Planning Advisory Committee and the Harborpark Advisory Committee: eleven months from the establishment of the Overlay District.
- e. Boston Redevelopment Authority Board public hearing on recommendation to petition the Zoning Commission to implement new zoning changes, if any: twelve months from the establishment of the Overlay District.
- f. Zoning Commission hearing on petition to implement new zoning changes, if any: thirteen months from the establishment of the Overlay District.

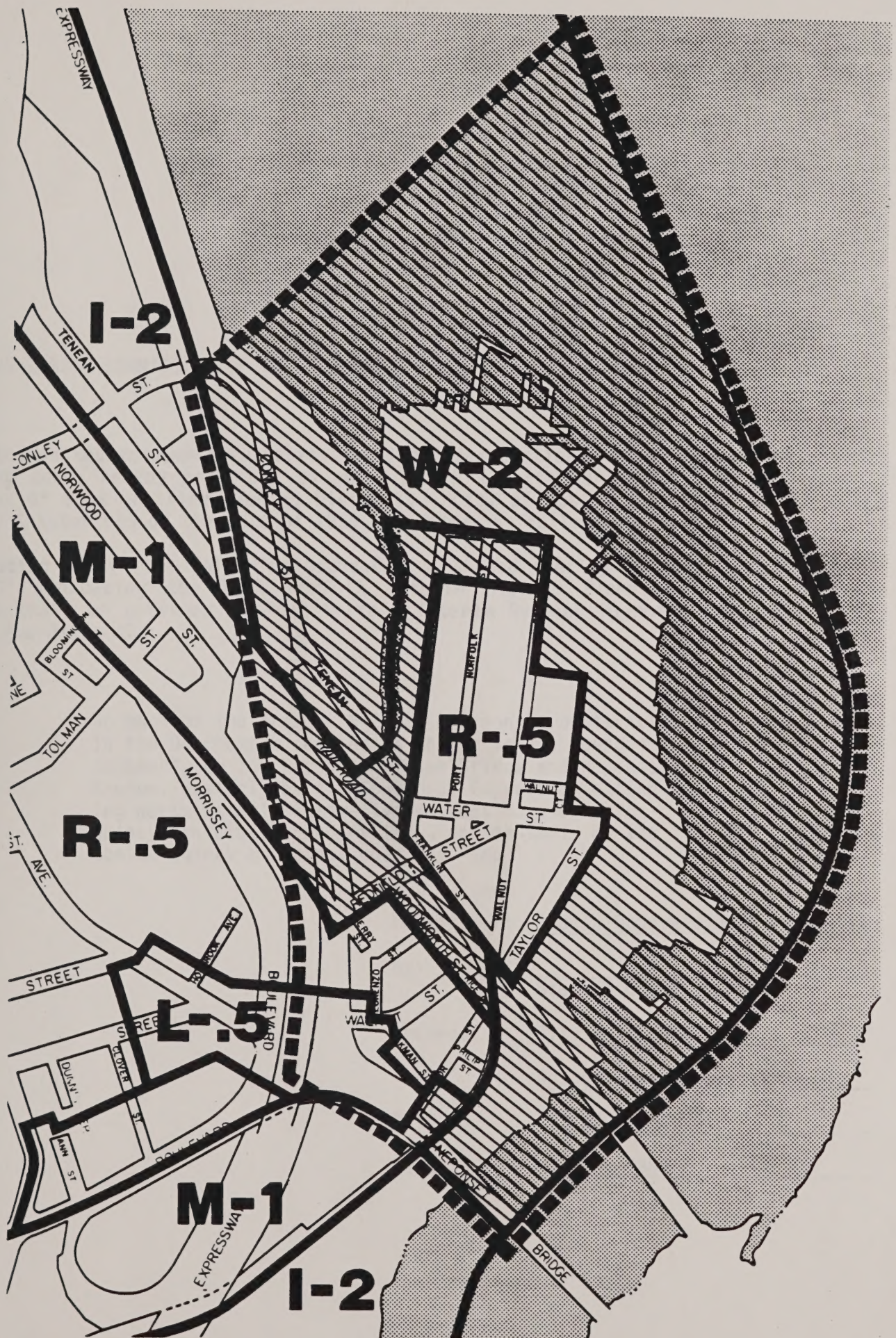
SECTION 27A-6: Interim Planning Procedure. Since it is essential to protect the Study Area, while the comprehensive planning study and contemplated rezoning are being prepared, from development that would frustrate the goals of the comprehensive planning process and contemplated rezoning, the Interim Planning Permit procedure described in Section 27-3 of the Boston Zoning Code is hereby adopted. While the Overlay District is in effect all applicants for a building permit or a change of use or change of occupancy

permit shall apply for an Interim Overlay Planning Permit. This procedure is in addition to the requirements and procedures mandated by the Underlying Zoning.

SECTION 27A-7: Goals of the Comprehensive Planning Study and Contemplated Rezoning. The Board of Appeal shall grant an Interim Planning Permit only if it finds that the proposed action would be consistent with the following goals:

- a. To prevent further degradation of water quality in Dorchester Bay and the Neponset River;
- b. To ensure physical and visual public access to the waterfront;
- c. To provide the opportunity for water-based recreation and increased open space;
- d. To promote land uses that are compatible with the existing adjacent residential uses;
- e. To promote the rehabilitation or removal of existing piers and waterfront structures;
- f. To prevent the proliferation of potentially hazardous, dangerous, noxious, and environmentally degrading uses;
- g. To minimize the impact of heavy truck traffic on adjacent residential streets;
- h. To promote the development of water-dependent, water-related, and water-enhanced uses.

SECTION 27A-8: Severability. The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by an decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.



Map Amendment Application No. _____
Boston Redevelopment Authority
Port Norfolk Interim Planning
Overlay District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority, acting under Section 3-1A of the Boston Zoning code, hereby petitions to amend Map 5 - North Dorchester - of the series of maps entitled "Zoning Districts - City of Boston" as established under Chapter 665 of the Acts of 1956 as amended, as follows:

By adding within the following boundaries a shaded overlay and the letters "IPOD" indicating the Port Norfolk Interim Overlay Planning District which shall be governed by Port Norfolk Interim Overlay Planning District Text Amendment 27A:

So much of the present W-2 and M-1 zoning districts in the Dorchester section of Boston as are bounded southerly by the Neponset Avenue Bridge and Neponset Avenue, westerly by the Southeast Expressway extending northeasterly forty-five degrees to the Boston-Quincy municipal boundary line, and easterly by the Boston-Quincy municipal boundary line.

Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

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Date: July 3, 1985